



PLANNING COMMISSION

AGENDA REPORT

VI.5 and VI.6

MEETING DATE: MARCH 9, 2009

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-02 FOR 2160 MYRAN DRIVE AND PA-09-03
FOR 2172 MYRAN DRIVE

DATE: FEBRUARY 26, 2009

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

DESCRIPTION

The applicant is requesting approval of a design review for a detached, two-unit, two-story condominium project for two separate lots that share a common private vehicle access easement. A request to deviate from the City's Residential Design Guidelines for average second story side setbacks for one of the units is also proposed.

Because the two properties and the proposed projects are identical, a single staff report addressing both projects has been prepared.

APPLICANT

The applicant is Willard Chilcot, who is also the owner of the property.

PROJECT CONSULTANT

Brad Smith, Architect
425 30th Street, Suite #22
Newport Beach, CA 92663

RECOMMENDATIONS

1. Approve PA-09-02 for 2160 Myran Drive by adoption of Planning Commission resolution, subject to conditions.
2. Approve PA-09-03 for 2172 Myran Drive by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY FOR BOTH PROPERTIES

Locations: 2160 and 2172 Myran Drive Applications: PA-09-02 and PA-09-03

Request: Design review for a detached, two-unit, two-story condominium project on two separate lots that share a common private vehicle access easement with a request to deviate from the City's Residential Design Guidelines for average second story side setbacks for one of the units (Building B) .

SUBJECT PROPERTIES:

Zone: R2-MD
 General Plan: Medium Density Residential
 Lot Dimensions: 60 FT X 132 FT
 Lot Area: 7,920 SF
 Existing Development: One-story residence and detached garage (both lots)

SURROUNDING PROPERTIES:

North: Surrounding properties are
 South: zoned R2-MD
 East: and contain
 West: residences.

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	100 FT	60 FT (1)
Lot Area	12,000 SF	7,920 SF (1)
Density:		
Zone	1 du/3,630 SF	1 du/3,960 SF
General Plan	1 du/3,630 SF	1 du/3,960 SF
Building Coverage:		
Buildings	NA	2,288 SF (29%)
Paving	NA	2,464 SF (31%)
Open Space	3,168 SF (40%)	3,168 SF (40%)
TOTAL		7,920 SF (100%)
Building Height:	2 Stories 27 FT	24 FT (Bldg. A) 22 FT (Bldg. B)
Chimney Height	29 FT	28 FT, 4 IN (Bldg. A) 22 FT, 6 IN (Bldg. B)
First Floor Area (Including Garage)	NA	1,297 SF (Bldg. A) 991 SF (Bldg. B)
Second Floor Area		1,017 SF (Bldg. A) 785 SF (Bldg. B)
Ratio of First Floor to Second Floor (2)	80%	78% (Bldg. A) 79% (Bldg. B)
Setback		
Front (access easement considered front)	20 FT	83 FT (Bldg. A) 25 FT (Bldg. B)
Side (left/right)	5 FT (1 Story) 10 FT Avg. (2 Story) (2)	7 FT/5 FT (1 Story)/ 10 FT Avg. (2 Story) (Bldg. A) 5 FT/28 FT (1 Story)/ 8 FT Avg. (2) 29 FT (2 Story) (Bldg. B)
Rear	10 FT (1 Story)/20 FT (2 Story)	17 FT/20 FT (Bldg. A) 59 FT (Bldg. B)
Rear Yard Lot Coverage (Max.)	300 SF (25%)	126 SF (10%) (Bldg. A)
Private Open Space	10 FT Min. Dimension	10 FT
Landscape Parkways	10 FT combined width w/3 FT on one side and 5 FT adj. to house	NA
Building Separation	10 FT	10 FT
Parking:		
Covered	2	4
Open	6	2
TOTAL	8 Spaces	8 Spaces
Driveway Width:	16 FT	16 FT
NA = Not Applicable or No Requirement (1) The lot is legal nonconforming (2) Residential Design Guideline (3) Does not comply with Residential Design Guideline (see staff report analysis section)		
CEQA Status	Exempt, Class 3 (New Construction)	
Final Action	Planning Commission	

BACKGROUND

The properties are situated on Myran Drive, a 25-foot wide private vehicle access easement located on the north side of Victoria Street, west of Harbor Boulevard. Four lots have direct vehicle access to the private easement: 2156, 2160, 2166, and 2172 Myran Drive. The applicant, who is also the property owner and developer, owns the two lots that comprise these applications (2160 and 2172 Myran Drive); the remaining two lots (2156 and 2166 Myran Drive) are owned by separate individuals. All four lots contain residential structures, which were constructed prior to the City's incorporation (late 1940's), and are in various states of condition.

Previous Zoning Applications for Both Properties

In late 2003 and early 2004, the applicant submitted two separate Zoning Applications to construct identical, two-story, single family residences, identified on the attached plans as "Building A", on each lot. The applications were approved by the City Zoning Administrator; however, both applications were opposed by the residents of the other two lots that share the private easement. Both of the Zoning Administrator's approvals were appealed to the Planning Commission, which upheld the approvals, and further appealed to the City Council, which also upheld the approvals. A project timeline, with website links to the various reports and meeting minutes, is contained in the tables below.

PROJECT TIMELINE – 2160 MYRAN DRIVE	
November 20, 2003	Minor Design Review ZA-03-76 to construct a two-story, 2,376 square-foot residence approved by the Zoning Administrator.
January 12, 2004	Approval of ZA-03-76 upheld by Planning Commission on appeal. Commission Report Link: http://www.ci.costa-mesa.ca.us/council/planning/2004-01-12/011204ZA0376.pdf Commission Minutes Link: http://www.ci.costa-mesa.ca.us/council/planning/pm_040112.pdf
February 17, 2004	Approval of ZA-03-76 upheld by City Council on appeal. Council Report Link: http://www.ci.costa-mesa.ca.us/council/agenda/20040217/021704ZA0376.pdf Council Minutes Link: http://www.ci.costa-mesa.ca.us/council/minutes/2004-02-17.pdf
March 24, 2005	One-year extension of time approved by the Zoning Administrator.
February 17, 2006	Approval of ZA-03-76 expires.
May 11, 2006	Residence re-approved as Development Review DR-06-06. ¹
June 20, 2007	One-year extension of time approved by Planning staff.
June 20, 2008	One-year extension of time approved by Planning staff.
May 11, 2009	Expiration date for DR-06-06, unless an additional one-year extension is requested prior to expiration or is superseded by the approval of PA-09-02.

¹ Because Building A was revised to comply with the Residential Design Guidelines, the new application was approved as a Development Review instead of a Minor Design Review.

PROJECT TIMELINE – 2172 MYRAN DRIVE	
May 6, 2004	Minor Design Review ZA-04-15 to construct a two-story, 2,376 square-foot residence identical to 2160 Myran Drive approved by the Zoning Administrator.
June 14, 2004	Approval of ZA-04-15 upheld by Planning Commission on appeal. Commission Report Link: http://www.ci.costa-mesa.ca.us/council/planning/2004-06-14/061404ZA0415Appeal.pdf Commission Minutes Link: http://www.ci.costa-mesa.ca.us/council/planning/pm_040614.pdf
July 19, 2004	Approval of ZA-04-15 upheld by City Council on appeal. Council Report Link: http://www.ci.costa-mesa.ca.us/council/agenda/20040217/021704ZA0376.pdf Council Minutes Link: http://www.ci.costa-mesa.ca.us/council/minutes/2004-02-17.pdf
September 8, 2005	One-year extension of time approved by the Zoning Administrator.
August 24, 2006	One-year extension of time approved by the Zoning Administrator.
August 23, 2007	One-year extension of time approved by the Zoning Administrator.
July 24, 2008	One-year extension of time approved by the Zoning Administrator.
July 19, 2009	Expiration date for ZA-04-15, unless an additional one-year extension is requested prior to expiration or is superseded by the approval of PA-09-03.

Status of Approved Residences for Both Properties

Demolition, grading, and building permits were issued in 2005 for the approved residences (Building A) for both properties. To date, no development activity has taken place on either property by the applicant, however, the permit approvals remain active.

ANALYSIS

The applicant is requesting approval of a design review because a second unit (Building B) is proposed for each lot. The applicant intends to develop and sell the units as two-unit common interest developments (condominiums). Both units on each lot complies with the common interest development requirements. If approved, a separate parcel map application would be required to be submitted and approved for each lot.

Building A for both lots complies with the City's Residential Design Guidelines; however, Building B has less than 10-foot average second story side setback on the north (left side) of the structure. Because the design of the residence complies with the other provisions, such as variation in building heights and forms, as well as variation in the depth of the floor plans to alleviate building mass, staff supports the request. In addition, privacy impacts on adjoining properties from the second-story bedroom windows will be minimized because they will be required to be reduced in size and/or limited to high windows only per the recommended conditions of approval (refer to Attachments 1A and 1B, Condition of Approval Number 12). The units will be architecturally compatible in terms of appearance, building design, and materials.

The proposed backout area for the garage and open parking spaces for Building B will be within the existing 25-foot wide private easement. When the Zoning Applications for

Building A were approved, the applicant proposed a five-foot wide landscape planter at the far (west) side of the easement to soften the pavement edge of the driveway. To accommodate the required backout for the garage and parking spaces for Building B, the applicant is proposing a combination of two-foot wide landscape planter and three-foot wide grasscrete pavers at the far side of the private easement to accommodate the backout of vehicles. Although this reduces the required backout distance from 25 feet to 23 feet, this revision has been reviewed and approved by the Transportation Services Division because the corresponding width of the garage and open parking spaces for Building B has been increased to allow better circulation of vehicles entering and leaving the parking spaces.

The conditions of approval and code requirements for the repaving of the entire private easement to Victoria Street, preservation of existing trees and fences on abutting properties, and providing adequate site drainage, have been carried over from the prior Zoning Application approvals.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Medium Density Residential. Under this designation two units are allowed for each lot and two units are proposed. Therefore, if approved, the use and density would conform to the City's General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project for both properties. If the projects were to be approved, the applicant would be required to obtain approval of a parcel map to facilitate the common interest development.
2. Deny the project for both properties. The applicant could not submit substantially the same type of application for six months. The applicant would still be permitted to construct the previously approved residences for both properties (Building A).

ENVIRONMENTAL DETERMINATION

If approved, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

CONCLUSION

As a two-unit common interest development, the development of both properties will comply with the Zoning Code requirements and the intent of the City's Residential Design Guidelines. Therefore, staff recommends approval of the projects.

Attachments for
PA-09-02:

- 1A. Planning Commission Resolutions (Approval and Denial)
- 2A. Location Map
- 3A. Plans

Attachments for
PA-09-03:

- 1B. Planning Commission Resolutions (Approval and Denial)
- 2B. Location Map
- 3B. Plans

cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
Assistant City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Willard Chilcott
1561-C Orange Avenue
Costa Mesa, CA 92627

File: 030909PA0902PA0903	Date: 022609	Time: 3:00 p.m.
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ATTACHMENT 1A
PC RESOLUTIONS FOR PA-09-02
2160 MYRAN DRIVE

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-02 FOR 2160 MYRAN DRIVE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Willard Chilcott, owner of real property located at 2160 Myran Drive, requesting approval of a design review for a two-unit, two-story common interest development (condominium), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-09-02 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-02 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 9th day of March, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 9, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

**Secretary, Costa Mesa
Planning Commission**

EXHIBIT "A"

FINDINGS – APPROVAL (PA-09-02 FOR 2160 MYRAN DRIVE)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the project complies with the City of Costa Mesa Zoning Code, and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. The visual prominence associated with the construction of a two-story residence has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls. Privacy of the adjoining neighbors will not be impacted because second-story windows will be required to be placed to minimize direct lines-of-sight into yard areas and windows on neighboring properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The buildings for this development are at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be minimized by installation of a residential sprinkler system.

EXHIBIT "B"

CONDITIONS OF APPROVAL (PA-09-02 FOR 2160 MYRAN DRIVE)

- Plng.
1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
 2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 4. The conditions of approval for PA-09-02 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
 6. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of storm water.
 7. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sundays and Federal holidays.
 8. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 9. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be

- required ten (10) days prior to demolition.
10. Exterior elevations shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.
 11. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 12. Bedroom windows on the north (left side) elevation for Building B shall be limited to small and/or high windows to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
 13. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 14. Applicant shall provide a new paved driveway surface within the private easement, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
 15. The paving specified in condition of approval number 14 shall extend to the northerly end of the property line, to include the existing turn-around.
 16. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
 17. The site plan submitted with initial working drawings shall contain a notation specifying the project is a one-lot condominium.
 18. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
 19. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
 20. Property line walls or fences shall be constructed at the completion of the rough grading. At the time of removal of any separation barrier including, but not limited to existing fencing, structures or property line hedges, a temporary chain link security fence, minimum six feet high, shall be put in place prior to demolition permit being issued for the property, to separate the subject property from 2166 Myran Drive, which shall remain in place until property line walls or fences have been constructed.
 21. Parking of vehicles within the private vehicle access easement shall not be permitted.
 - Eng. 22. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-02 for 2160 MYRAN DRIVE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Willard Chilcott, owner of real property located at 2160 Myran Drive, requesting approval of a Design Review for a two-unit, two-story common interest development (condominiums), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Planning Application PA-09-02 with respect to the property described above.

PASSED AND ADOPTED this 9th day of March, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS – DENIAL (PA-09-02 FOR 2160 MYRAN DRIVE)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The project is not compatible and harmonious with uses on surrounding properties.
 - 2. The project is not consistent with the General Plan.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-09-02. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 1B
PC RESOLUTIONS FOR PA-09-03
2172 MYRAN DRIVE

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-03 FOR 2172 MYRAN DRIVE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by was filed by Willard Chilcott, owner of real property located at 2172 Myran Drive, requesting approval of a Design Review for a two-unit, two-story common interest development (condominiums), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-09-03 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-03 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 9th day of March, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 9, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

**Secretary, Costa Mesa
Planning Commission**

EXHIBIT "A"

FINDINGS – APPROVAL (PA-09-03 FOR 2172 MYRAN DRIVE)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the project complies with the City of Costa Mesa Zoning Code, and meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features. The visual prominence associated with the construction of a two-story residence has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid unrelieved two-story walls. Privacy of the adjoining neighbors will not be impacted because second-story windows will be required to be placed to minimize direct lines-of-sight into yard areas and windows on neighboring properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The buildings for this development are at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be minimized by installation of a residential sprinkler system.

EXHIBIT "B"**CONDITIONS OF APPROVAL (PA-09-03 FOR 2172 MYRAN DRIVE)**

- Plng.
1. Street addresses shall be displayed on the fascia adjacent to the main entrance or front door in a manner visible from the private street. Numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
 2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 4. The conditions of approval for PA-09-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
 6. Prior to issuance of grading or building permits, the applicant shall obtain approval of a hydrology and drainage study showing the method of disposal of storm water.
 7. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sundays and Federal holidays.
 8. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 9. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 10. Exterior elevations shall be submitted for pre-plan check review and

approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.

11. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
12. Bedroom windows on the north (left side) elevation for Building B shall be limited to small and/or high windows to minimize visibility into the abutting yards. Every effort shall be made to maintain the privacy of abutting property owners.
13. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
14. Applicant shall provide a new paved driveway surface within the private easement, extending from the subject property to Victoria Street, minimum 16 feet in width, subject to approval by the Planning Division.
15. The paving specified in condition of approval number 14 shall extend to the northerly end of the property line, to include the existing turn-around.
16. To avoid an alley-like appearance, the driveway shall be developed without a center swale. Design shall be approved by the Planning Division.
17. The site plan submitted with initial working drawings shall contain a notation specifying the project is a one-lot condominium.
18. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
19. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
20. Property line walls or fences shall be constructed at the completion of the rough grading. At the time of removal of any separation barrier including, but not limited to existing fencing, structures or property line hedges, a temporary chain link security fence, minimum six feet high, shall be put in place prior to demolition permit being issued for the property, to separate the subject property from 2166 Myran Drive, which shall remain in place until property line walls or fences have been constructed.
21. Parking of vehicles within the private vehicle access easement shall not be permitted.
- Eng. 22. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-03 FOR 2172 MYRAN DRIVE**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by was filed by Willard Chilcott, owner of real property located at 2172 Myran Drive, requesting approval of a Design Review for a two-unit, two-story common interest development (condominiums), for which one of the units does not comply with the City's Residential Design Guidelines for average second-story side setbacks; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 9, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Planning Application PA-09-03 with respect to the property described above.

PASSED AND ADOPTED this 9th day of March, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

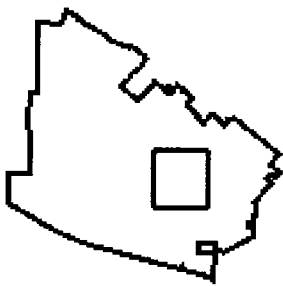
EXHIBIT "A"

FINDINGS – DENIAL (PA-09-03 FOR 2172 MYRAN DRIVE)

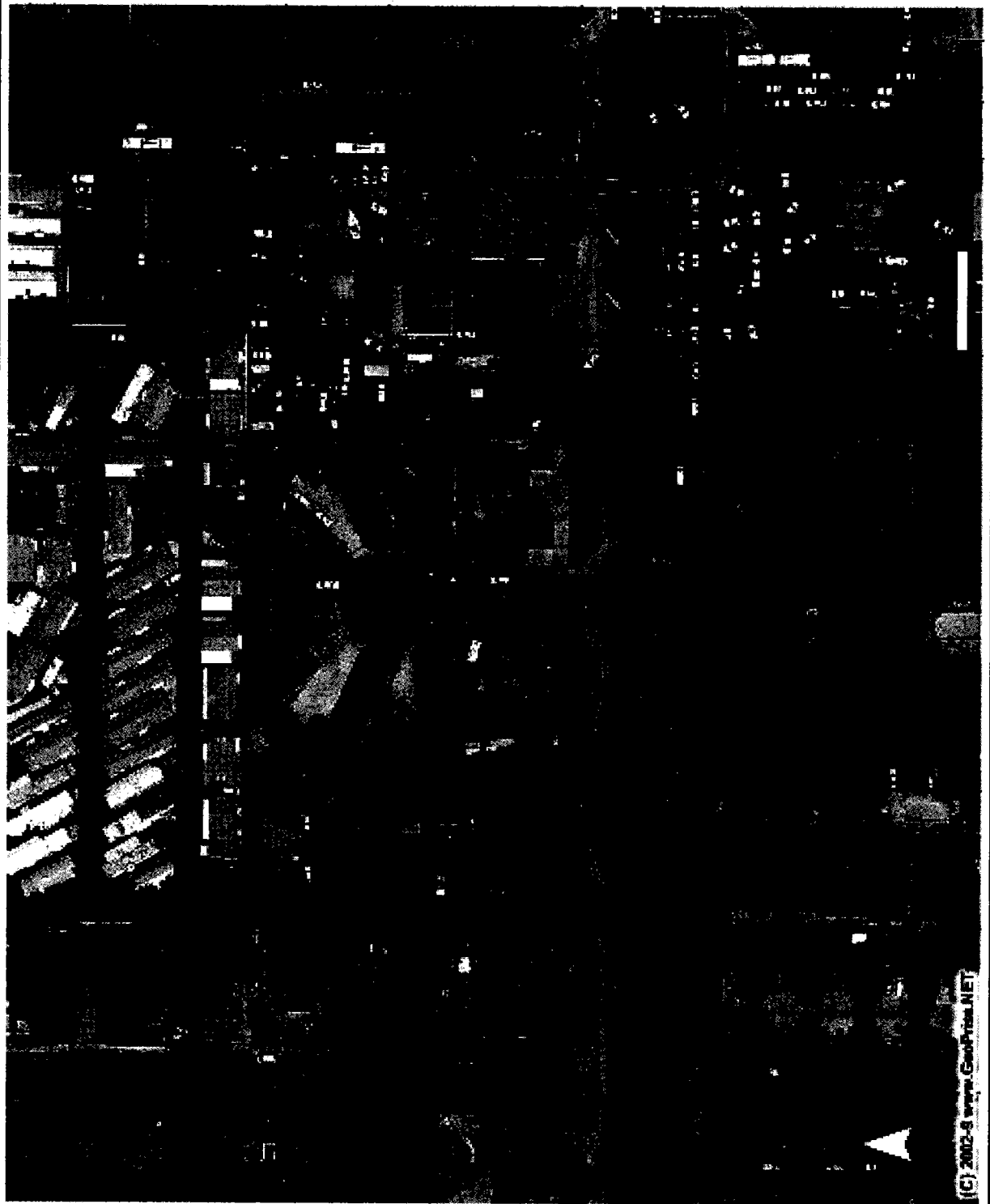
- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The project is not compatible and harmonious with uses on surrounding properties.
 2. The project is not consistent with the General Plan.
 3. The planning application is for a project-specific case and does not establish a precedent for future development.
4. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks, and any other applicable design features.
5. The Costa Mesa Planning Commission has denied Planning Application PA-09-03. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
6. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2A AND 2B LOCATION MAPS

Overview Map

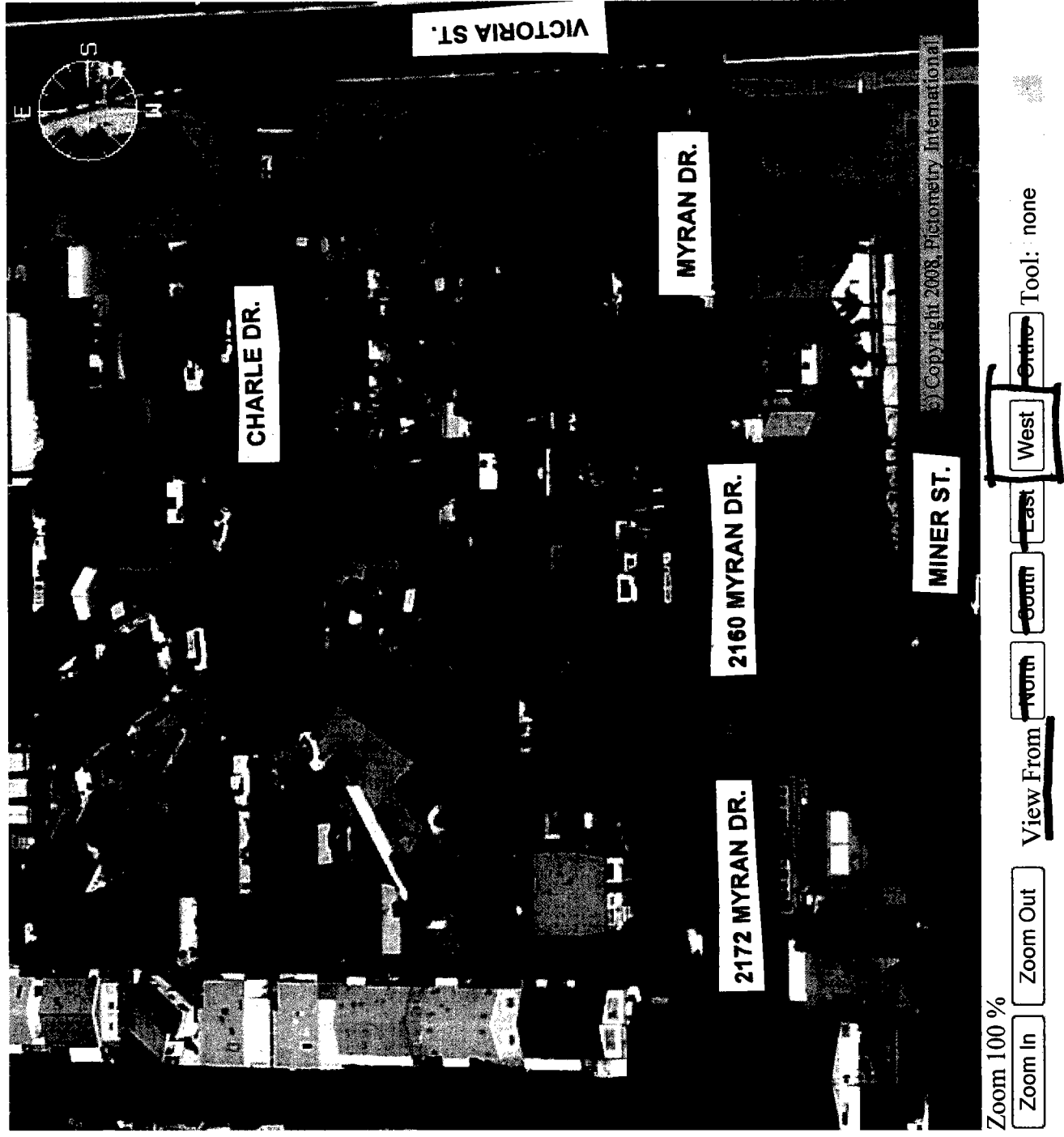


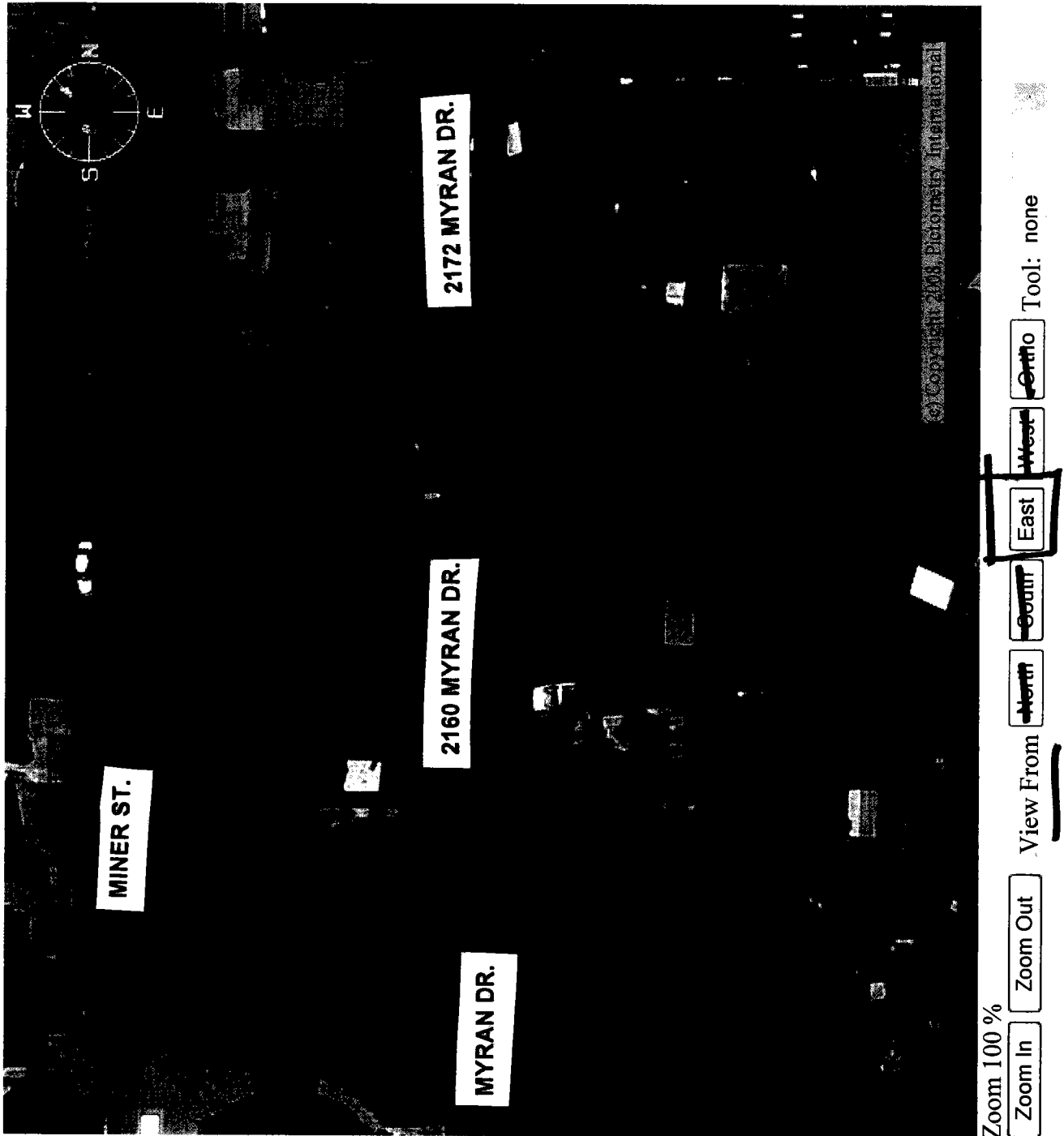
Map Display



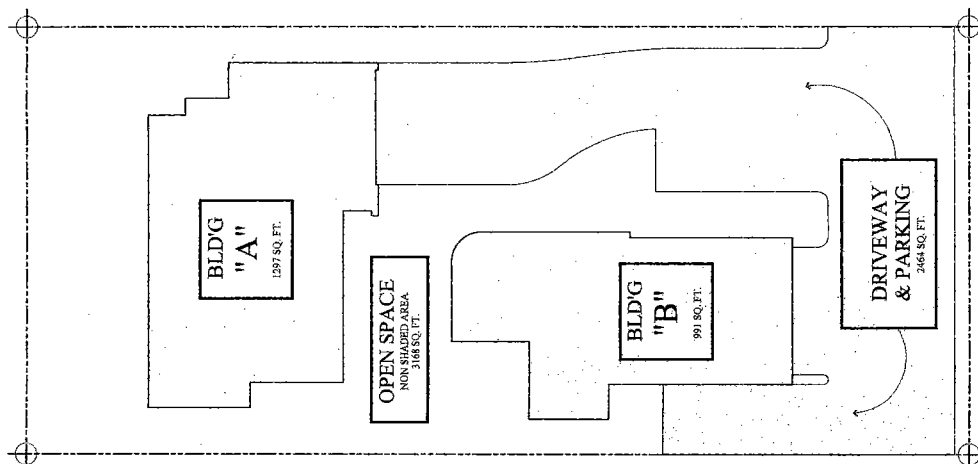
Legend

- | | |
|--------------------|---------------------|
| Address Medium | Level 1 Ortho Photo |
| Address Points | Parcels |
| Street Names | ROW polygons |
| Street Centerlines | |
| Parcel Lines | |

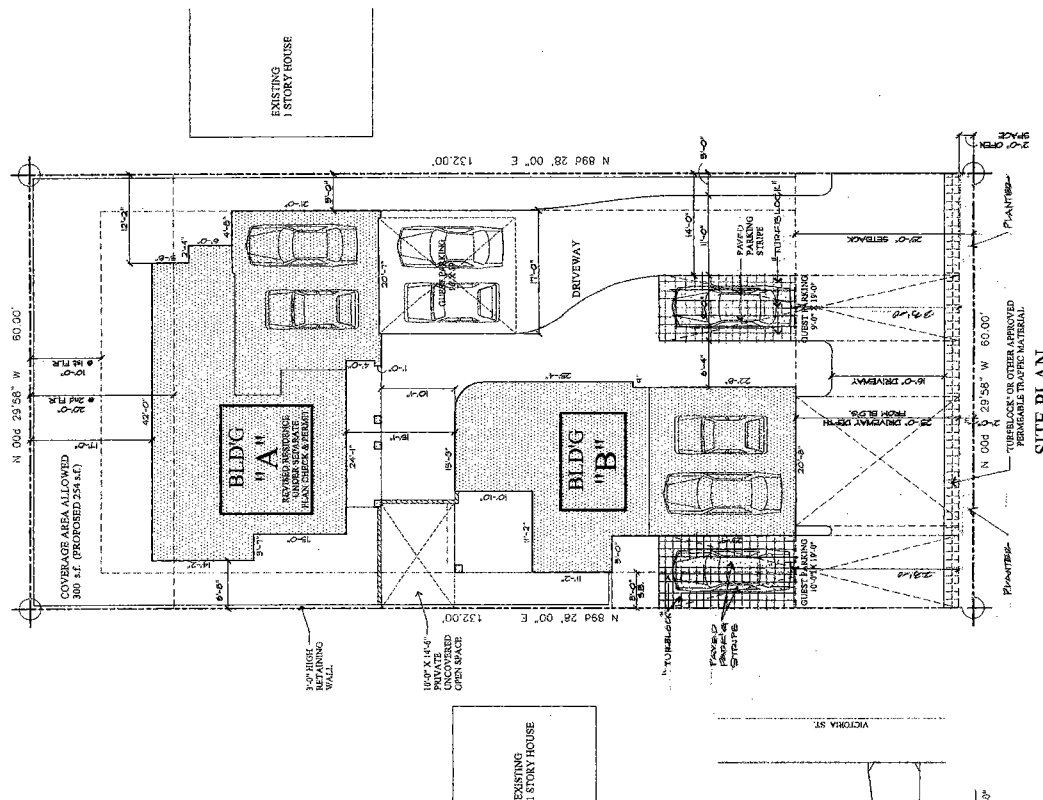




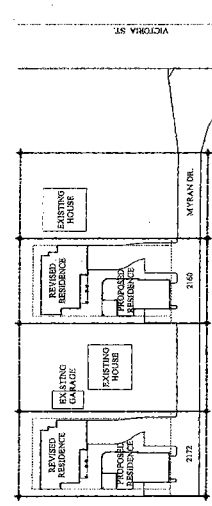
**ATTACHMENT 3A
PLANS FOR PA-09-02
2160 MYRAN DRIVE**



COVERAGE PLAN
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 1/8" = 1'-0"



SITE KEY PLAN
SCALE: 1" = 40'-0"

WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2160 MYRAN DR., 2ND FLOOR
COSTA MESA, CA. 92627

LEGAL
TRACT 1163
A.P. NO. 422-209-07
ZONING: R-2 MD

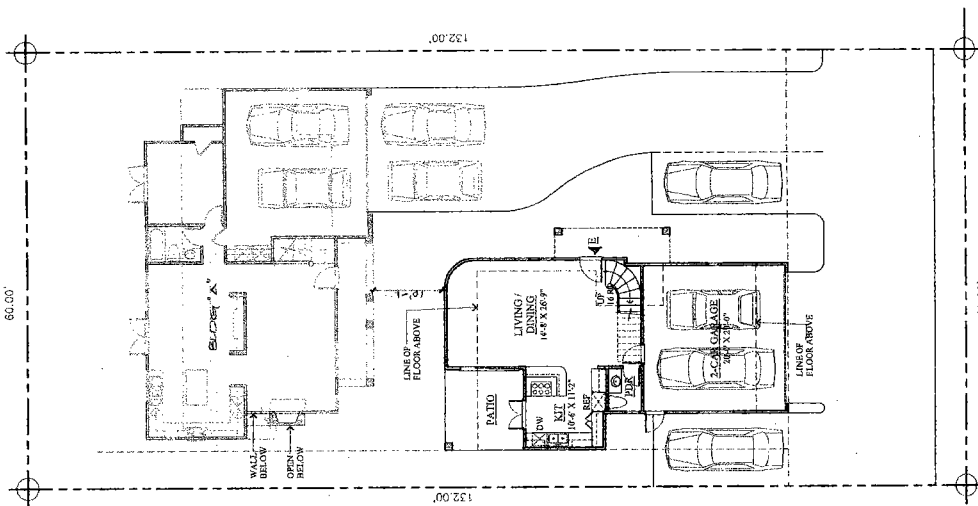
PROJECT DESCRIPTION
PROPOSED: TWO SINGLE FAMILY HOMES WITH AN ATTACHED GARAGE AND A COVERED PORCH. SPACES BOTH HOMES ARE OF CALIFORNIA CONTEMPORARY DESIGN FEATURING SMOOTH STUCCO WALLS, STANDING SEAM ROOFING AND WROUGHT IRON ACCENTS. EACH HOME HAS 3 BEDROOMS PLUS A DEN.

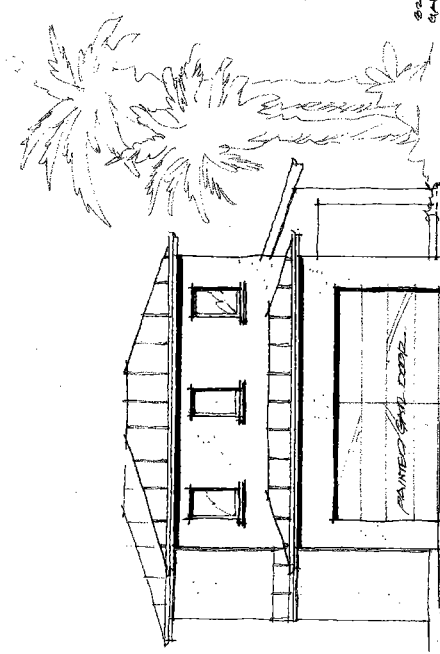
SITE TABULATION

BUILDING	FOOTPRINT	GARAGE	LANDSCAPE	TOTAL
BUILDING A	1297 sq. ft.	439 sq. ft.	58 sq. ft.	1,875 sq. ft.
BUILDING B	991 sq. ft.	420 sq. ft.	57 sq. ft.	1,558 sq. ft.
DRIVEWAY & PARKING	2,464 sq. ft.			2,464 sq. ft.
OPEN SPACE				3,168 sq. ft. (40%)
TOTAL LOT AREA				7,200 sq. ft.

FIRST FLOOR PLAN

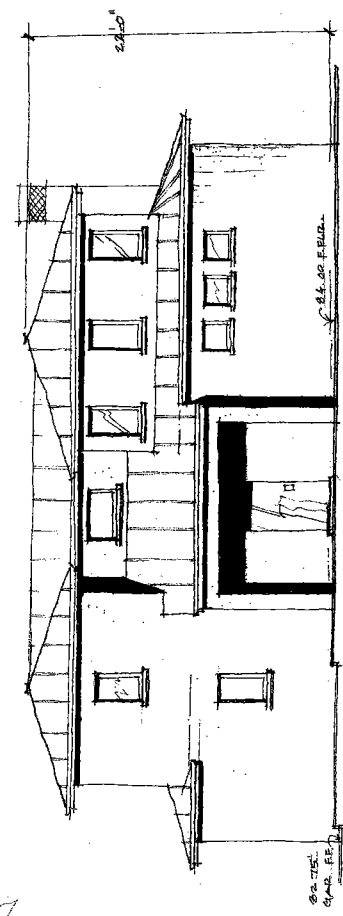
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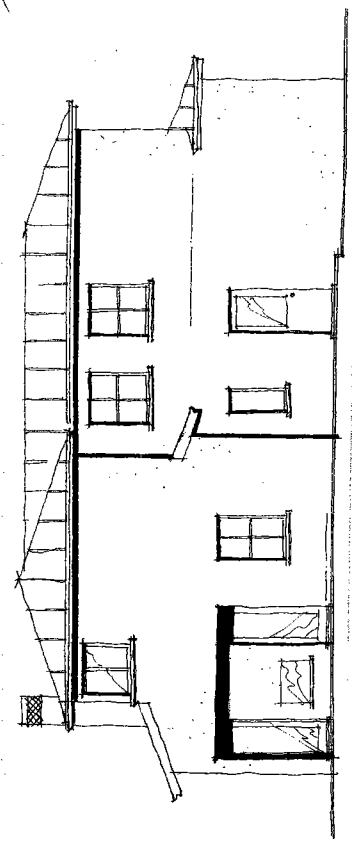
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



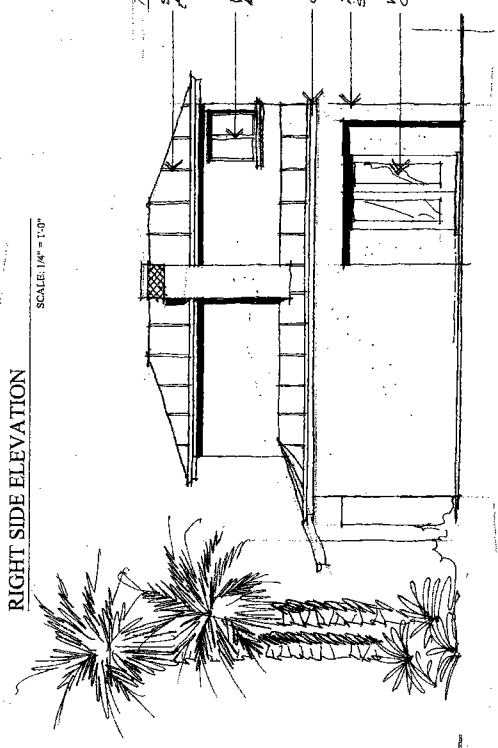
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

- TYP. BUILDING MATERIALS
- STANDING SEAM METAL ROOFING - PREPARED
- WOOD FR. WINDOWS - CLAD EXTERIORS
- GUTTER ALL ROOF EDGES
- 2 1/2" DIA. STUCCO SMOOTHS PAINTED FIN.
- WOOD FRENCH DOORS - CLAD EXTERIORS

WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2160 MYRAN DR. - Bldg. 1, Bldg. 2
COSTA MESA, CA. 92627

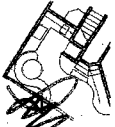
EXTERIOR ELEVATIONS

BRADFORD C. SMITH, ARCHITECT
(949) 631-3882 FAX: (949) 631-3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA



BY	DATE	REVISIONS
1	03-01-08	1
2	03-01-08	2
3	03-01-08	3
4	03-01-08	4
5	03-01-08	5
6	03-01-08	6
7	03-01-08	7
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9	03-01-08	9
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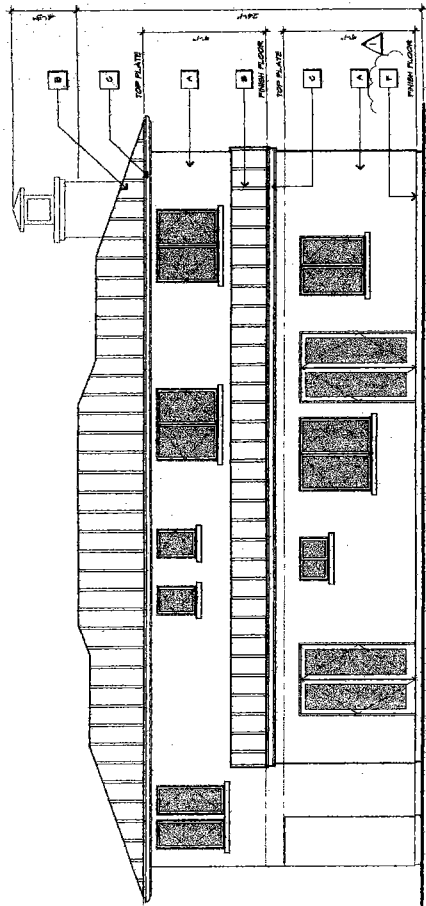
R.A. JEHEBER
PLANNING/DESIGN CONSULTANTS
440 S. 12TH STREET, SUITE 202
NEWPORT BEACH, CA 92663
949-723-4343 OFFICE
949-723-0714 FAX



CUSTOM HOME PLANS FOR:
WILLARD CHILCOTT & STEPHANIE FAWLEY
2160 MYRAN DRIVE
COSTA MESA, CALIFORNIA

SHEET 1	OF 1
DATE	03-01-08
PROJECT	2160 MYRAN DRIVE
CLIENT	WILLARD CHILCOTT & STEPHANIE FAWLEY
SCALE	1/4" = 1'-0"
ARCHITECT	R.A. JEHEBER
PLANNING/DESIGN CONSULTANTS	

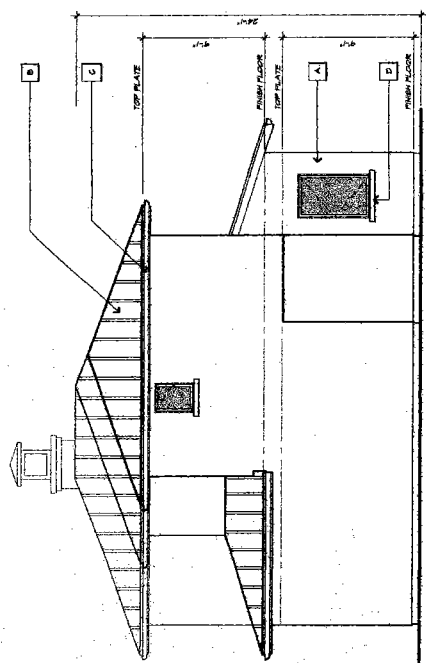
03-01-08
03-01-08



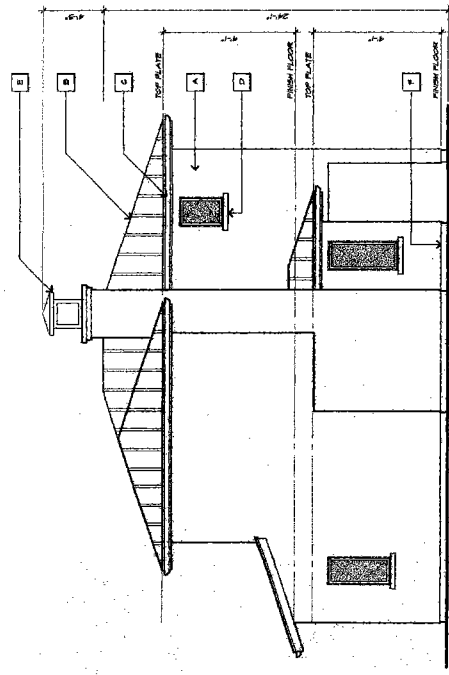
REAR ELEVATION

ELEVATION PLAN LEGEND

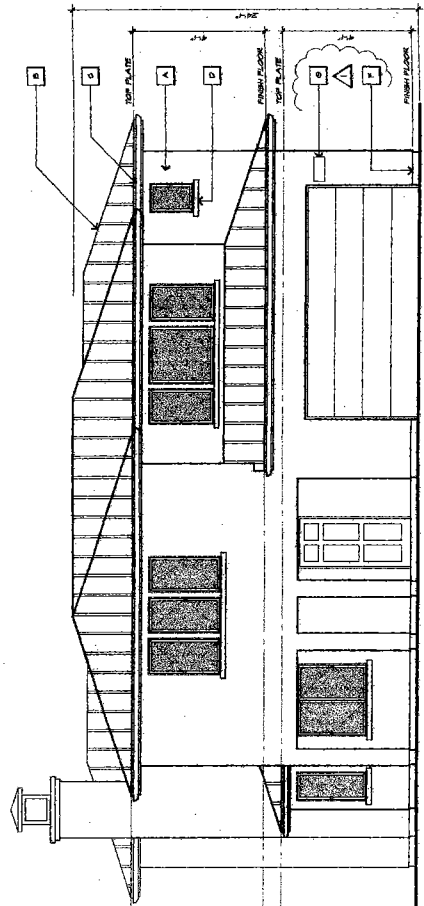
- A. STUCCO FROM BT, LA MARRA PRODUCTS, INC. OR EQUAL, FINISH: STUCCO, COLOR: WHITE, TEXTURE: STUCCO, NOT PLANTED FROM COLOR: BROWN.
- B. METAL ROOF BY: STEE TEE COMPANY, "STANDING SEAM" ON SEAL COLOR: "METAL" - USED & SEND INSTALL PER MANUFACTURER'S SPECIFICATIONS AND ROOF PLAN FOR INSTALLATION.
- C. STUCCO OVER 2 X 4 TYPICAL AT BELL.
- D. (C&D) APPROVAL SPANNE ARRESTOR.
- E. STUCCO WITH BROWN ONE DETAIL 45-1.
- F. BELLEVUE ASPHALT.



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

**ATTACHMENT 3B
PLANS FOR PA-09-03
2172 MYRAN DRIVE**

SCALE: 1/8" = 1'-0"

SITE KEY PLAN

SITE PLAN

SITE TABULATION

BUILDING COVERAGE:		FOOTPRINT	GARAGE	PAVING	LAND	TOTAL	TOTWGR
BUILDING A		1297	439		858	1,875	2,316 sf
BUILDING B		991	420		571	1,356	1,776 sf
BUILDING TOTAL		2,288			785		
DRIVEWAY		2,464					
OPEN SPACE	(40%)						
TOTAL LOT AREA		7,590.0 sf					

PROJECT DESCRIPTION

PROPOSED: TWO SINGLE FAMILY HOMES WITH AN ATTACHED TWO CAR GARAGE & (2) GUEST PARKING SPACES BOTH HOMES ARE OF CALIFORNIA CONTEMPORARY DESIGN FEATURING SMOOTH STUCCO WALLS, STANDING SEAM ROOFING AND WROUGHT IRON ACCENTS. EACH HOME HAS 3 BEDROOMS PLUS A DEN.

LEGAL

TRACT 1163
LOT 35
A.P. NO. 422-203-07
ZONNING: R-2 MD

**WILLARD CHILCOTT &
STEPHANIE FAWLEY**
A RESIDENTIAL DEVELOPMENT
2172 MYRAN DR., SUITE "B"
COSTA MESA, CA. 92627

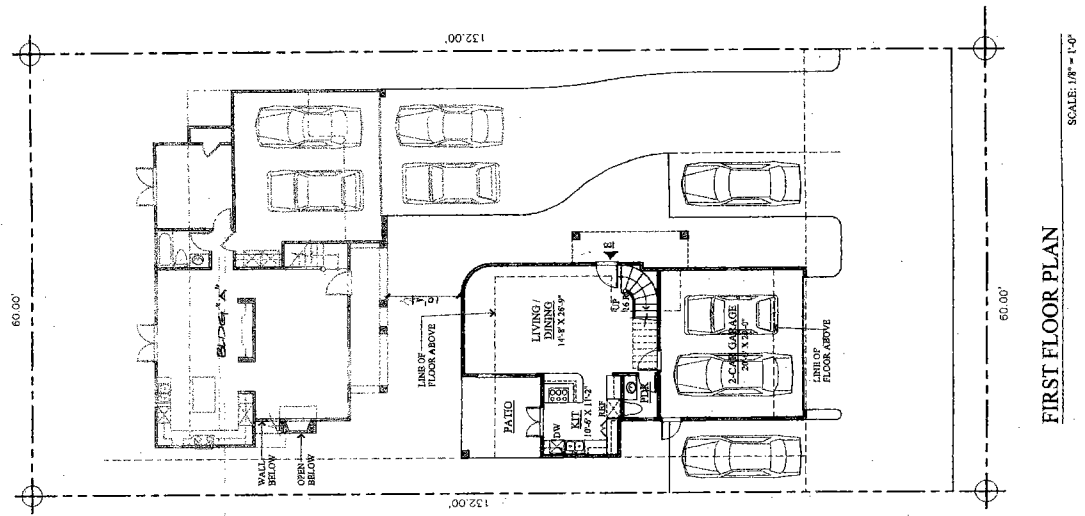
BRADFORD C. SMITH, ARCHITECT
(949) 631 - 3682 FAX: (949) 631 - 3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA



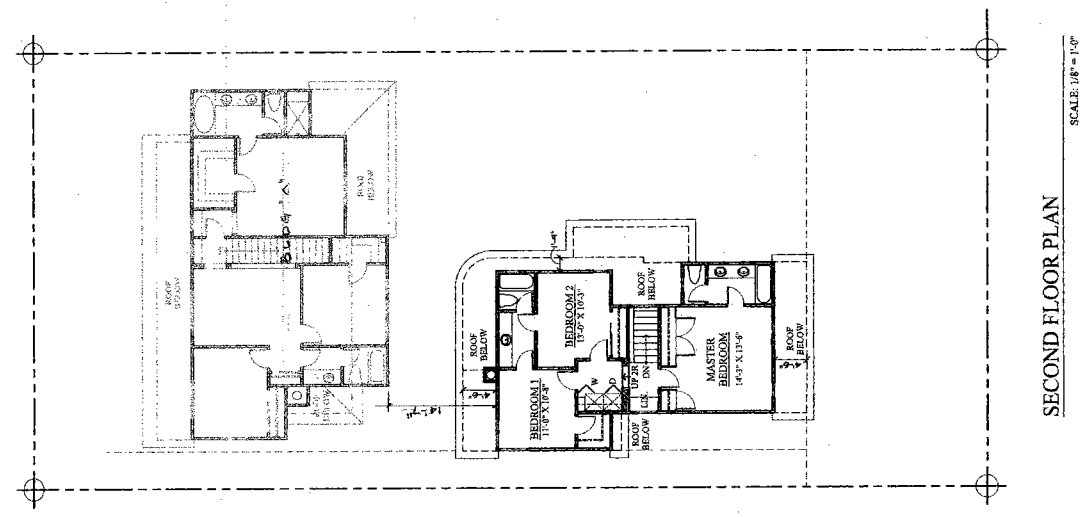
BRADFORD C. SMITH, ARCHITECT
(949) 631-3682 FAX: (949) 631-3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA

FLOOR PLANS

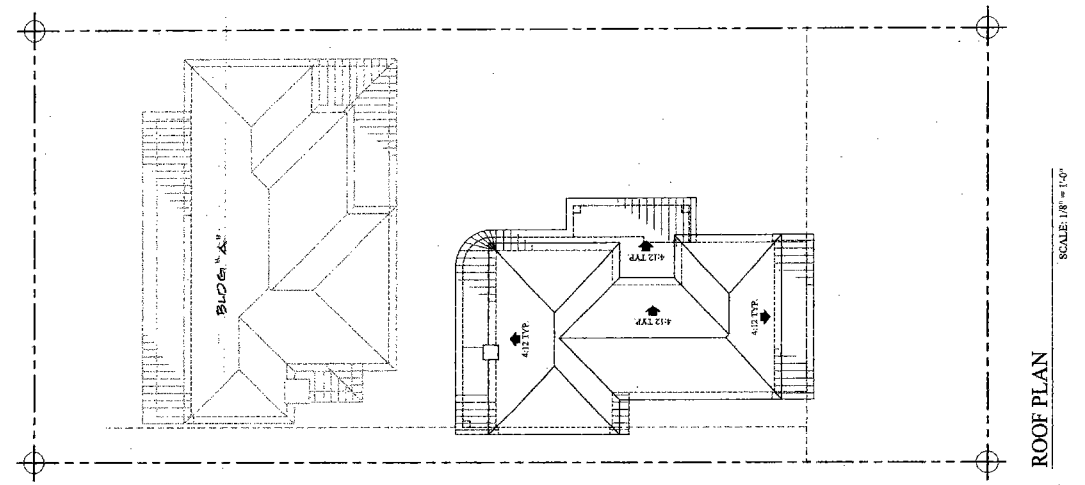
WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2172 MYRAN DR., #LP-12
COSTA MESA, CA. 92627



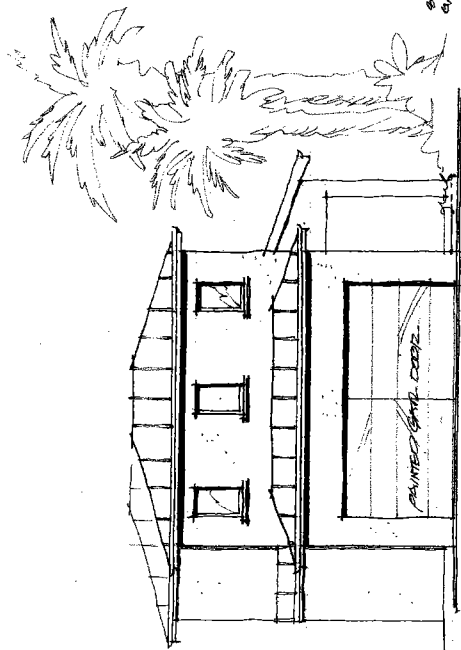
FIRST FLOOR PLAN



SECOND FLOOR PLAN

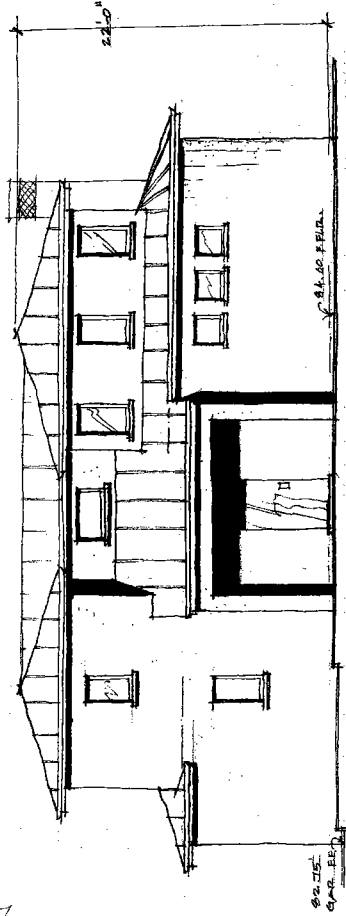


ROOF PLAN



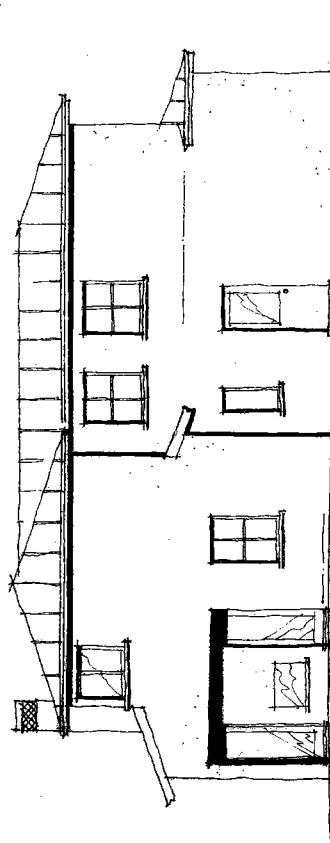
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



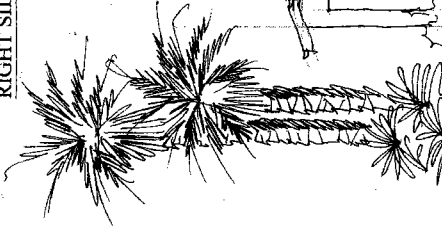
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

TYP. BRICK MAT'L'S
STANDING SEAM METAL
ROOFING - PREPARED
WOOD FR. WINDOWS - CLAD
EXTERIOR
GUTTER ALL ROOF EDGES
1 1/2" DIA. STUCCO SING.
SHOOTS PAINTED FIN.
WOOD FRENCH DOORS -
CLAD EXTERIORS

WILLARD CHILCOTT & STEPHANIE FAWLEY
A RESIDENTIAL DEVELOPMENT
2173 MYRANDA BLVD. "B"
COSTA MESA, CA. 92627

EXTERIOR ELEVATIONS

BRADFORD C. SMITH, ARCHITECT
(949) 631-3682 FAX: (949) 631-3685
425 30th St. Ste. #22
NEWPORT BEACH, CALIFORNIA



